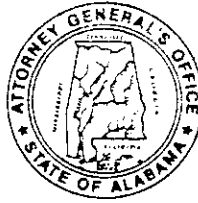


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OFFICE OF THE ATTORNEY GENERAL



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David H. Williams
Executive Director
Alabama Board of Pardons
and Paroles
750 Washington Avenue, Suite 312
Montgomery, AL 36130

Pardons and Paroles - Prisons and
Prisoners - Legislation

House Bill 536 requires notice to
be given to certain persons
before an action of the Alabama
Board of Pardons and Paroles is
effective.

Dear Mr. Williams:

The Attorney General is in receipt of your request for an opinion dated July 28, 1983 wherein you request clarification of the effect of House Bill 536 wherein the authority of the Alabama Board of Pardons and Paroles to grant pardons, paroles, remissions of fines and forfeitures and restoration of civil and political rights is substantially changed. The specific question posed in your request for an opinion is as follows:

"Can a prisoner be legally released to parole status on a certificate of parole granted, delivered, or executed subsequent to House Bill 536 becoming law, but otherwise legally ordered by the Board prior to the act of becoming law?"

The Alabama Board of Pardons and Paroles has for some time followed a procedure whereby the notice required by § 15-22-36(d) is given, and the Board then takes formal action on the pardon, parole, remission of fine or forfeiture or restoration of civil and political rights. This entire process is performed well in advance of the actual date scheduled for the inmate's release. After the Board's formal action has been

David H. Williams
Page 2

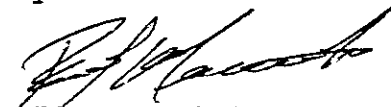
taken, the formal parole document is then forwarded to the Board of Corrections for transmittal to the inmate. On a date certain set forth in the parole certificate the inmate is required to sign and is then released from confinement. The important factor in this process is that even though the Board takes formal action on a given date, the parole is only ordered for a date certain set forth in the parole certificate. The Board has traditionally regarded the date certain set forth in the parole certificate as a conditional release date which may be interrupted by the occurrence of numerous events.

Therefore based upon the traditional policy of the Alabama Board of Pardons and Paroles, it is the opinion of the Attorney General that any parole which has been conditionally granted for a date certain in the future should comply with the notice provisions of House Bill 536. It should be noted that the notice provisions currently embodied in Alabama law or Parole Board Rule need not be repeated and that only the new or additional notice provisions set forth in House Bill 536 need be complied with, in order to release inmates who have received a tentative parole date which is subsequent to July 29 (the date House Bill 536 became law.)

If we may provide you with further information concerning this matter, please feel free to contact us at any time.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General
By:



RICK MEADOWS
Assistant Attorney General

CAG/RM/pm

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August 19, 1983

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Mr. David Williams
Executive Director
Alabama Board of Pardons
and Paroles
750 Washington Avenue
Montgomery, AL 36130

Re: Opinion of the Attorney
General of August 12,
1983

Dear Mr. Williams:

The Office of the Attorney General issued an opinion to the Alabama Board of Pardons and Paroles on August 12, 1983 in regards to the new requirements concerning notice before a parole may be validly granted. In the text of the opinion the date of July 29, 1983 is discussed as being the effective date of the act. This date is in error. The bill was signed on August 8, 1983 at 2:45 p.m. The effect of this is that any inmate who signed a parole certificate and was released from the custody of corrections authorities after August 8, 1983 at 2:45 p.m. was not validly released unless the provisions of the "parole notice bill" have been met.

I hope that this letter clarifies any questions that may have arisen concerning the effective date of this act and its effects upon potential parolees. If I may provide you with any information concerning this matter, please feel free to contact me at any time.

Sincerely yours,

CHARLES A. GRADDICK
Attorney General
By:


RICK MEADOWS
Assistant Attorney General